

UNITED STATES DISTRICT COURT

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MAY 20 2021

SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

Case No. 2:21-cv-00170-TOR

(to be filled in by the Clerk's Office)

Rebecca G. LaVelle

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

CL West Management LLC and
Gary Sawyer, Individually

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Rebecca G. LaVelle
Street Address	17215 East Coach
City and County	Spokane, Spokane County
State and Zip Code	Washington 99016
Telephone Number	509-720-0993
E-mail Address	rebeccaglavelle@gmail.com

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	CL West Management LLC
Job or Title (if known)	a corporation
Street Address	1825 Gillespie Way
City and County	El Cajon, San Diego County
State and Zip Code	California 92020
Telephone Number	(619) 562-9100
E-mail Address (if known)	

Defendant No. 2

Name	Gary Sawyer
Job or Title (if known)	an individual
Street Address	411 South Dovetail Ct.
City and County	Airway Heights, Spokane County
State and Zip Code	Washington 99001
Telephone Number	
E-mail Address (if known)	

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	Home Town Suites
Street Address	12803 East Sprague
City and County	Spokane, Spokane County
State and Zip Code	Washington 99216
Telephone Number	(509) 928-5948

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☒ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☒ Other federal law (specify the federal law):

Relevant state law (specify, if known):

Relevant city or county law (specify, if known):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (check all that apply):

- ☒ Failure to hire me.
- ☒ Termination of my employment.
- ☒ Failure to promote me.
- Failure to accommodate my disability.

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☒ Other acts (specify): Defendant Sawyer coerced a guest to fabricate a false testimony.

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

11/15/2019 The Plaintiff was given 30 minutes to find alternative housing for herself and child. Her replacement and a housekeeper (Colton) lived at the hotel for over a year.

12/14/2019 Defendant Sawyer tampered with the payroll.

12/19/2019 Defendant Sawyer tampered with the payroll. This action was every check; as she was not paid the proper overtime.

12/20/2019 Defendant Sawyer began to make anti-God comments, after being asked not to say "God Damn".

12/21/2019 A write up for being late that was given on Christmas Eve, and Defendant Sawyer was discovered calling the Plaintiff "ol girl." She was called that name behind her back for months before she accidentally heard Gary asking "where is "ol girl"

12/23/2019 Defendant Sawyer posted the Plaintiff's job on the internet.

12/24/2019 Plaintiff was given a write up for Christmas and told that "I hate God" by Defendant Sawyer.

12/24/2019 Plaintiff was shorted hours on her paycheck and did not get paid the overtime she worked.

12/25/2020 Plaintiff was made to work on both days of the Holiday and did not get to go to any church services.

01/03/2020 Company policy was violated, in that the Plaintiff was scheduled to work on her birthday.

01/14/2020 Plaintiff was written up for 'soaking the garbage cans' over night; her efforts to minimize the spread of disease, protecting the public. This practice is now a standard.

01/14/2020 Plaintiff was instructed to not use the laundry facilities for personal use any longer; however a co-worker Stacy was allowed to do her personal laundry.

01/15/2020 Plaintiff's son was refused the opportunity to stay at the hotel, despite the fact the room was paid for. Rebecca cleaned the room, so housekeeping would not have to; she was written up for being late and Gary lunged at her while yelling and using profanity to demonstrate his authority over the matter.

01/21/2020 Plaintiff was denied PTO and the opportunity to remedy the homelessness of her family when she tried to meet a potential landlord.

01/21/2020 Plaintiff was falsely accused of making unwanted advances on a guest. She was denied information to properly defend the allegation. It was discovered that he actually coerced the guest to write the letter.

01/26/2020 Defendant Sawyer began a conquest against the plaintiff contrary to company policy that involved some long term guests that were known prostitutes. The guest threatened the Plaintiff to not disclose the knowledge of their activities. The next day she lost her job.

01/31/2020 Defendants misrepresented the reason for their delay in responding to ESD was because the Plaintiff was "part time". This was a lie.

08/19/2020 After a meeting with Lori Chandler, from the corporate office, the Plaintiff's employment could have been reinstated if Defendant Sawyer would have been cooperative; as the hotel was in need of a new maintenance technician. She called and asked him to rehire her.

11/14/2020 Plaintiff was denied reinstatement, despite qualifications and the false allegations proved.

04/06/2021 Plaintiff had a meeting with the new GM, the maintenance person stopped showing up. The plaintiff offered to help until they find a replacement. The new person is getting paid \$18.00.

01/2020 to Present is a FALSE REPORT on the reason for the separation of employment.

C. I believe that defendant(s) (check one):

- ☒ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

race

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

	color	
x	gender/sex	female
x	religion	Christian
	national origin	
x	age (year of birth)	1967 (only when asserting a claim of age discrimination.)
	disability or perceived disability (specify disability)	

E. The facts of my case are as follows. Attach additional pages if needed.

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

1. Rebecca began employment with Hometown Suites after she and her middle school aged

daughter stayed at the hotel beginning May 2019, following a rapid escrow closing.

2. She received Employee of the Month in September 2019. See sup. pg. 81. The team pulled the hotel ratings score from a 2.8 to a 3.8 in five months, and many hotel guests wrote excellent reviews about her work. Rebecca made dramatic changes to the property.

3. In October 2019 she applied for the General Manager position. She had endorsements from co-workers. See sup. pg. 110. Rebecca was seriously considered for the position. A different candidate was chosen, Gary Sawyer.

4. In November 2019, Eileen Aalgaard, a corporate manager, was covering for Gary while he was in training off-site. She did not know Rebecca was living there with permission. After corporate management noticed Rebecca lived there, she was forced to move out in 30 minutes Her middle school aged child and Rebecca were displaced. Rebecca lived in her car.

5. On or around December 21, 2019 the plaintiff had observed the manager use foul, unprofessional verbiage which included, "God Damn" often, particularly in the presence of the hotel guests. Rebecca privately discussed her feelings regarding the use of that saying. Gary's response was that "He hated God and not everybody believes in Him."

6. It was after that she discovered her job posted on the internet. He began his campaign of disparate treatment.

7. Periodically the claimant had appointments trying to secure housing. This was acceptable to the prior manager. The claimant had an appointment with a landlord the morning of January 21, 2020. Trying to make it to that appointment led to her termination. She had PTO accumulated but she was not approved to use it.

8. She had been written up for being late on January 15, 2020; however she was on the property cleaning the room her son had rented. The reprimand from this included Gary Sawyer yelling and lounging toward Rebecca Lavelle, an eye witness declaration has been attached.

9. The other reason given for termination was an allegation of breaking the company rule regarding fraternization with a hotel guest. The record shows a letter from the guest, which the claimant did not even know existed until October 2020. The letter states that the claimant was essentially parking by her room, keeping track of her company, making unwanted advances, and that the guest was uncomfortable with the claimant having a key to her room.

10. The claimant was not given a name when the allegations were made, so she was not afforded any remedy to the false accusations. Rebecca would have been able to produce evidence to the contrary at that time, proving that the guest actually asked Rebecca to watch out for her, asked Rebecca to let herself in her room, and actively pursued a friendship with her. When the claimant confronted Natasha about the situation, Natasha denied she had made the allegations. She has since that discovery come forward to reveal the whole truth in that Gary fabricated the situation to be able to fire the plaintiff.

11. The plaintiff was warned that Gary was walking around asking the guests about her, trying to get something on her to be able to fire her. She found her job posted on 12/19/2019.

12. The other write up had been a month earlier, on December 20, 2019. This write up was for not clocking back from lunch, and a failure to perform. The write up has a statement from Rebecca Lavelle that says: "Unless everyone else gets written up for being late. I feel that I am being singled out because you are trying to find a reason to fire me due to the fact you have my job posted. I do not like you calling me "Ol Girl". He drove in town during a snow storm on Christmas Eve to give it to the plaintiff.

13. A picture of the floor from the bathroom that was being repaired shows that the floor tiles were completely gone and in slightly over an hour it was completely done. She had completed 6 other work orders that day as well. Rebecca was trying to fix all of the health department issues and the out of order rooms were a record low.

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

02/17/2021

- B. The Equal Employment Opportunity Commission (check one):

has not issued a Notice of Right to Sue letter.

☒ issued a Notice of Right to Sue letter, which I received on (date)

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

☒ 60 days or more have elapsed.

☐ less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Defendant Sawyer fabricated the circumstances to warrant the plaintiff's termination of employment. This fraudulent action cost the plaintiff her vehicle, her good credit, and her employment. The plaintiff is asking for \$300,000. The plaintiff slept in her car during dead of winter with 2 dogs and a cat. The defendant allowed her replacement to live at the hotel; and did not penalize him for being late. She has applied for over one hundred jobs; her age is an obstacle.

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a non frivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

5/17/21

Signature of Plaintiff



Printed Name of Plaintiff

Rebecca G. Labella

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 551-2021-00384	
WASHINGTON STATE HUMAN RIGHTS COMMISSION and EEOC <i>State or local Agency, if any</i>			
Name (indicate Mr., Ms., Mrs.) MRS. REBECCA G LAVELLE		Home Phone (509) 474-9009	Year of Birth 1967
Street Address City, State and ZIP Code 17215 E COACH, SPOKANE VLY, WA 99016			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name CL WEST MANAGEMENT LLC		No. Employees, Members 501+	Phone No. (407) 569-4969
Street Address City, State and ZIP Code 12803 EAST SPRAGUE, SPOKANE, WA 99216			
Name		No. Employees, Members	Phone No.
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input checked="" type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)			DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 12-02-2019 08-17-2020 <input type="checkbox"/> CONTINUING ACTION
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): I worked as a maintenance technician for CL West Management from approximately May 2019 to January 19, 2020. During my employment my supervisor subjected me a hostile work environment. Among other things, he: made offensive comments to me about my sex, age and religion; wrote me up for reasons other employees would not be written up for; and, terminated my employment for fabricated reasons. Specifically, he falsely accused me making unwanted advances to someone, but refused to tell me who it was so that I could defend myself. Had he told me, I would have been able to prove my innocence. In or around August 2020, I contacted the company seeking to be rehired. My supervisor retaliated by refusing to consider me for any position. I believe I was discriminated against because of my age (53), sex (female) and religion (Christian); and, retaliated against for opposing unlawful employment practices.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct. Digitally signed by Rebecca Lavelle on 02-17-2021 01:30 AM EST		NOTARY - When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	